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COMMENTARY

The right not to know



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In every editor's desk there is a drawer full of overwrought images ready for the next dust-up between press and government.

The typical drawer holds the messenger killed for bringing bad news, a dozen chilling effects, and 27,373 solemn invocations of the public's right to know. Behind the Spiro Agnew voodoo doll is an ominous veil of secrecy. There's a box of denigrating quotation marks to put around "national security." And the warning that, as one broadcast executive put it recently, "You never know when you're being victimized, that maybe this is the first step in a move by this or any other administration to shut down the press."

The latest emptying of the drawers was touched off by CIA director William Casey's threat to prosecute several news organizations for violating a law banning publication of certain sensitive intelligence secrets.

Leaks are a real problem, but what we need is neither prosecution for newsmen nor polygraph tests for suspected sources. These steps are offensive and probably counterproductive. What we do need is a return to restraint and responsibility on both sides.

The press always argues that if there is a problem, it is with the person who leaks the information. Up to a point, this is true. Many officials and staff members do rush to the telephone the moment they learn something hot. But among reporters, one of the most prized profes-

sional skills is the ability to pry information out of people who don't want to divulge it. If the government needs to clean up its act, exercising greater discipline over the loose flow of information, the press also needs to clean up its act in terms of the kinds of information it goes after and the means by which it does so.

Some things simply shouldn't be reported.

Shortly after I joined the White House staff in 1969, I had lunch with two prominent members of the Washington press corps. One was a former colleague from the *New York Herald Tribune*. After the initial pleasantries, my former colleague led into the subject of Vietnam. He pressed me with questions about

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what President Nixon planned to do next: what new concessions would we offer diplomatically, what moves would we make militarily, if the path we were on didn't lead where we hoped? He wheedled, he bludgeoned, he demanded; and when I persisted in telling him nothing, he exploded in anger.

If I hadn't been stubborn, he could have had a good story. It might have cost lives on the battlefield, and it would certainly have compromised the peace negotiations. But he would have had something his competitors didn't and, by the ethics of his world, that was what mattered. In the business of shoplifting secrets, he operated by the shoplifter's code.

If reporters and editors showed the same degree of restraint we expect from schoolchildren in a candy store when the owner's back is turned, the problem of truly damaging leaks would largely solve itself.

Most of these are not the "government's" secrets. They're the nation's secrets — yours, mine, the people's. The reporter who tries to pry them out so he can score against the competition by splashing them across Page 1 is committing an offense

against each and every one of us. It's as simple and as basic as that.

It's not that newsmen rushing secrets into print are deliberately betraying their country. They don't see it that way at all. They're simply following the imperatives of their craft as reinterpreted during the counter-culture wave of the 1960s and '70s. That's when draft-card burning was in vogue, and when trendy publications offered instructions on making Molotov cocktails. Government was

the enemy, and the Pentagon represented the heart of darkness. That's also when the notion took hold that good journalism was "adversary" journalism, with the government to be held guilty until proven innocent.

Wall Street brokers go to jail for trading on inside information. In that business, it's recognized that some information needs to be kept private until the appropriate time. Most government secrets fall into the category of information that is

harmful if disclosed prematurely or partially. Some secrets are inherently sensitive, regardless of timing. In either case, it's the public's interests that are at risk in the disclosure.

As citizens, we do have a "right to know" certain things. But we also have a right not to know others. That is, we should insist on respect for a certain right of collective privacy, so that the part of our public business that depends on privacy for its conduct can be conducted in private.

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